

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENVIGO RMS, LLC,

Defendant.

Case No. 6:22-00028-NKM

REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

For the reasons provided in the United States' motion for preliminary injunction and those provided below, the Court should grant the motion in full including all of the United States' requests for relief. On June 13, 2022, Envigo filed a response to the United States' motion for preliminary injunction in which Envigo states that it "does not object to the United States' requests [for relief] 1-10 and 13-14." ECF No. 18 at 1. Because Envigo has consented to those requests for relief, the United States limits its reply to the issues of transfer/euthanasia ("request 11") and dealing in beagles ("request 12").¹

In its June 13, 2022 filing, Envigo represented to the Court that it wishes to wind down the Cumberland Facility's operations and "[t]o do so would require transferring all dogs

¹ The "transfer/euthanasia" term states, in relevant part that Envigo be ordered to "[i]mmediately cease disposing of any beagle at the Cumberland Facility by transferring from the Cumberland Facility or euthanizing any beagle at the Cumberland Facility. Envigo is required to seek the consent of counsel for the United States or, if they do not consent, a court order to transfer other than by dealing or to euthanize any beagle at the Cumberland Facility. Any euthanasia must be performed by a licensed veterinarian or a licensed veterinary technician who is acting under the direct supervision of a licensed veterinarian." The "deal" term states, in relevant part, that Envigo "[i]mmediately cease breeding, selling, or otherwise dealing in beagles at the Cumberland Facility, until in full compliance with the terms of this Order and the Court's May 21, 2022 Order, ECF No. 6." ECF No. 17 at 3.

currently housed there to new homes, both through adoption and through fulfillment of Envigo’s existing contractual obligations to its customers.” *Id.* at 5; *see also* <https://www.globenewswire.com/news-release/2022/06/14/2461698/0/en/Inotiv-Inc-Announces-Site-Closures-and-Consolidation-Plans.html> (Inotiv press release announcing closure of Cumberland Facility and two other facilities by December 2022) (last visited June 16, 2022). Thus, Envigo indicated that it would like to transfer some of the approximately 3,200 remaining beagles so that they can be made available for adoption and, within the next 30 days, it would like to deal in “more than 500 dogs.” *See* ECF No. 18 at 5.

Request 11 does not prevent Envigo from making beagles available for adoption. The United States shares Envigo’s goal of expeditiously removing beagles from the Cumberland Facility so that they may be adopted. If Envigo identifies reputable non-governmental organizations or shelters (collectively, “NGOs”) with the capacity to accept the thousands of beagles to be placed for adoption, which Envigo has not done thus far, the United States would not oppose a transfer to such organizations. The United States remains ready and able to assist Envigo with the coordination of the placement of the beagles at the Cumberland Facility to reputable NGOs, and the transfer of those beagles would happen expeditiously.

The United States’ request 11 also prohibits Envigo from euthanizing the beagles at the Cumberland Facility without the United States’ consent or, if consent is not provided, a court order. ECF No. 17 at 3. If the Court denies this request for relief, there would be nothing prohibiting Envigo from solving its compliance problem by killing any number of the beagles at the Cumberland Facility. Saliently, as the United States Department of Agriculture (“USDA”) noted in its inspection reports, Envigo has made a habit of euthanizing beagles with even minor injuries instead of providing adequate veterinary care. *See* ECF No. 2-3 at 7; 2-4 at 8. The

absence of this relief would allow Envigo to return to that practice. As the Court noted in its May 21, 2022 Order, there will be no way to “unwind or in any way remedy” such harm at the end of the case. ECF No. 6 at 19. Finally, provision 11 is also necessary to prevent Envigo from circumventing the prohibition on dealing in beagles, should the Court grant that request for relief.

The United States further requests that the Court also grant request 12 because Envigo has failed to establish that the Cumberland Facility is in compliance with the Court’s May 21, 2022 Order or the AWA more broadly. *See* ECF No. 6 at 23 (prohibiting Envigo from “breeding, selling, or otherwise dealing in beagles at the Cumberland Facility, until in full compliance with this order”). As the Court held in the May 21, 2022 Order, the United States “has a strong interest in ensuring compliance with federal law and regulations to safeguard humane treatment of animals, as well as to ensure the efficacy of the USDA’s inspection and licensing regime.” ECF No. 6 at 20. And this Court has already agreed with the United States’ argument that “it is always in the public interest for citizens to follow the law and not financially profit from their law-breaking endeavors.” *Id.* at 20.

For the foregoing reasons, this Court should grant the United States’ motion for preliminary injunction and issue the United States’ requested relief in full.

DATED: June 16, 2022

Respectfully Submitted,

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